

FILED

**U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS**

AUG 04 2021

Clerk, U.S. District Court
Texas Eastern

Mr. Michael Moates

Plaintiff

v.

Facebook Inc.

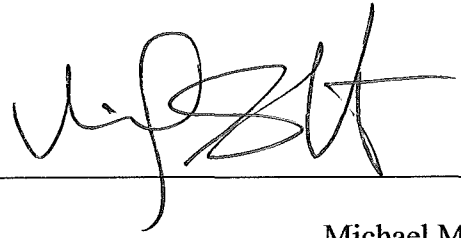
Defendant

Case No.: 4:20-cv-00896

NOTICE OF DISMISSAL

PERSUANT TO FRCP RULE 41.

1. The Plaintiff in this case hereby invokes Rule 41 of the Federal Rules of Civil Procedure. Which states that without a court order, "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment., There is no answer or motion for summary judgement, only a motion for dismissal and motion to transfer venue.
2. Pursuant to the rule, the Plaintiff requests a dismissal without prejudice. Furthermore, the Plaintiff notifies both the court and the Defendant that actions have been filed in state court and request that all records be preserved for the discovery process therein.
3. The Plaintiff understands that since this is the first dismissal, there is not a "adjudication on the merits., The Plaintiff reserves and preserves all rights in state court.
4. If the court determines that 1) this will not be a "dismissal without prejudice., or 2) is a "adjudication on the merits., the Plaintiff requests the court deny the NOTICE OF DISMISSAL with an opinion as to why it disagrees.



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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with this document via email pursuant to Local Rule CV-5.

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